

ØSØÖ  
GEGFÅØÜÁGGAFFKGÁØT  
SØØÁØUWØVÝ  
ÙWØÙØØUÅØUWØVØØSØÜS  
ØØSØÖ  
ØØÙØÅKGEGFÍ FÍ ÈÁSØV

**HONORABLE KETU SHAH**  
Trial Date: March 21, 2022

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GEORGE M. KRAEMER and PATRICIA A.  
KRAEMER, husband and wife,

Plaintiffs,

NO. 20-2-14616-1 KNT

THIRD AMENDED COMPLAINT  
FOR PERSONAL INJURIES

V.

**LONE STAR INDUSTRIES, INC.,**  
individually and as successor-in-interest to  
**PIONEER SAND & GRAVEL COMPANY;**  
**METROPOLITAN LIFE INSURANCE**  
**COMPANY;** and  
**VWR INTERNATIONAL, LLC;**

## Defendants.

## I. PARTIES

Plaintiffs George M. Kraemer and Patricia A. Kraemer, husband and wife, reside in East Wenatchee, Washington. Defendants and their predecessors-in-interest are corporations who, at all relevant times, manufactured, sold, distributed, installed, specified or purchased asbestos-containing products or products that were used in conjunction with asbestos, or used asbestos products on its premises or projects.

## II. JURISDICTION

This Court has jurisdiction over this cause under RCW 4.12.025 because, at all relevant times, defendants transacted business and/or may be served with process in King County,

1 Washington. This Court has specific jurisdiction over all out-of-state defendants because they  
 2 each purposefully performed acts or consummated transactions in Washington State. Plaintiffs'  
 3 cause of action arises out of and/or relates to defendants' activities and/or transactions in  
 4 Washington State, and assumption of jurisdiction over such out-of-state defendants by this Court  
 5 does not offend traditional notions of fair play and substantial justice.

### 6 III. FACTS

7 Plaintiff George Kraemer, (DOB: 1942) was exposed to asbestos and asbestos-containing  
 8 products which had been mined, manufactured, produced, installed and/or placed into the stream  
 9 of commerce by the defendants and/or was exposed to asbestos through the use of products  
 10 manufactured by defendants or to products used on defendants premises or projects. As a direct  
 11 and proximate result of this exposure, plaintiff George Kraemer developed mesothelioma.

12 Plaintiffs provide the following information:

13 A. Specific Disease: Mesothelioma

14 B. Date of Diagnosis: July 2020

15 C. Occupation: School Teacher

16 D. Places of Exposure: 1966 to 1991  
 17 Morgan Junior High School, Shoreline, WA  
 Einstein Middle School, Shoreline, WA  
 18 Redmond Junior High School, Redmond, WA

19 1942 to 1945

20 Take home exposure from father who worked in the  
 shipyards in Seattle, WA.

21 E. Dates of Exposure: 1940s to December 4, 1980. This complaint does  
 22 not allege exposure to asbestos on or after  
 December 5, 1980.

23 F. Current Address: 2278 Sunrise Place  
 East Wenatchee, WA 98802

## IV. LIABILITY

Plaintiffs' claim liability based upon the theories of product liability, negligence, premises liability, conspiracy, unsafe workplace, strict liability for abnormally dangerous activities, and any other applicable theory of liability. The liability-creating conduct of defendants consisted, *inter alia*, of negligent and unsafe design; failure to inspect, test, warn, instruct, monitor and/or recall; failure to substitute safe products; post-sale failure to warn, marketing or installing unreasonably dangerous or extra-hazardous and/or defective products; marketing, maintaining or installing products not reasonably safe as designed; marketing maintaining or installing products not reasonably safe for lack of adequate warning and marketing maintaining or installing products with misrepresentations of product safety; failure to warn or exercise ordinary care when retaining control of the means and manner of work on jobsites; failure to maintain a safe workplace.

## V. DAMAGES

As a proximate result of defendants' tortious conduct, plaintiff George M. Kraemer sustained pain, suffering, and disability in an amount not now known, but which will be proven at trial. Plaintiff George M. Kraemer also sustained medical expenses and economic losses in an amount to be proven at trial. Plaintiff Patricia A. Kraemer has sustained loss of consortium as a result of George M. Kraemer's illness.

WHEREFORE, plaintiffs pray for judgment against the defendants and each of them as follows:

1. For general and special damages specified above, including pain, suffering loss of spousal relationship and disability;

2. For medical and related expenses, and economic loss, all of which will be proven at the time of trial;

- 1 3. For punitive damages based on the application of other states' law;
- 2 4. For plaintiffs' costs and disbursements herein;
- 3 5. For prejudgment interest in the amount to be proven at trial; and
- 4 6. For such other relief as the Court deems just.

5 DATED this 22<sup>nd</sup> day of April 2021.

6 BERGMAN DRAPER OSLUND UDO, PLLC

7 By /s/ Ruby K. Aliment

8 Ruby K. Aliment, WSBA #51242  
9 Madeline F. Bergman, WSBA #56964  
10 821 2<sup>nd</sup> Avenue, Suite 2100  
11 Seattle, WA 98104  
12 Telephone: (206) 957-9510  
13 Email: ruby@bergmanlegal.com  
14 madeline@bergmanlegal.com  
15 service@bergmanlegal.com  
16 Attorneys for Plaintiffs